

## University of Oklahoma College of Law University of Oklahoma College of Law Digital Commons

---

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

---

2-5-1891

# Treaty with Crow Indians.

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indian and Aboriginal Law Commons](#)

---

### Recommended Citation

H.R. Rep. No. 3700, 51st Cong., 2nd Sess. (1891)

This House Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact [darinfox@ou.edu](mailto:darinfox@ou.edu).

## TREATY WITH CROW INDIANS.

FEBRUARY 5, 1891.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

---

Mr. HALL, from the Committee on Indian Affairs, submitted the following

### REPORT:

[To accompany H. R. 13327.]

The Committee on Indian Affairs, to whom was referred House bill 13327, have had the same under consideration, and submit that the treaty with the Crow Indians proposed to be confirmed by said bill was made under and in pursuance of an act of Congress approved September 25, 1890, and found in Statutes at Large, volume 26, page 468. The Commissioners estimate the quantity of land embraced in the cession at 1,800,000 acres, the price agreed to be paid being \$946,000, or about 52½ cents per acre. The Secretary of the Interior, in a letter dated January 17, 1891, transmitting the treaty, together with the recommendations of the Commissioner of Indian Affairs to the President, recommends the confirmation of the treaty. In a letter to the Secretary of the Interior dated January 16 the Commissioner of Indian Affairs in strong terms recommends that the treaty be confirmed, and in his letter sets forth substantial reasons why the good of the Indians and the interests of the people of the United States would be served by the prompt ratification of the agreement.

The treaty has been signed by a large majority of the adult male Indians of the Crow tribe, and meets the approval of the Indian agent and of the principal chiefs.

The terms of the treaty are so clearly set forth in the letter of Commissioner Morgan, found in Senate Executive Document No. 43, that it is here incorporated as a part of this report. In transmitting the treaty to the Secretary of the Interior the Commissioner says:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
*Washington, January 16, 1891.*

SIR: I have the honor to acknowledge the receipt, by Department reference for consideration and report, of a communication from Hon. J. C. Richardson, chairman of the Commission appointed under the act of September 25, 1890 (26 Stats., 468), to negotiate with the Crow Indians in Montana, dated January 9, 1891, with which he submits the report of the Commission, detailing the results of its labors.

The report is accompanied by an agreement, duly signed by 390 adult male members of the Crow Nation of Indians, which number is certified by Agent Wyman to be more than a majority of such members.

By this agreement, which was concluded on December 8, 1890, the Crow Indians agree to dispose of and sell to the Government of the United States all that portion of the Crow Indian Reservation in the State of Montana lying west and south of the following lines, viz:

"Beginning in the midchannel of the Yellowstone River, at a point which is the northwest corner of section No. 36, township No. 2 north, of range 27 east of the prin-

cial meridian of Montana, thence running in a southwesterly direction, following the top of the natural divide between the waters flowing into the Yellowstone and Clarke's Fork rivers upon the west and those flowing into Pryor Creek and West Pryor Creek on the east, to the base of West Pryor Mountain. Thence due south and up the north slope of said Pryor Mountain on a true meridian line to a point 15 miles due north from the established line between Montana and Wyoming; thence in a due easterly course on a parallel of latitude to a point where it intersects the midchannel of the Big Horn River; thence following up the midchannel of said river to a point where it crosses the Montana and Wyoming State line."

In consideration of this cession the Government agrees to pay, in addition to existing annuities and payments provided by laws and treaties, the sum of \$946,000 in the following manner:

(1) The sum of \$200,000 is to be expended under the direction of the Secretary of the Interior in the building of dams, ditches, canals, and laterals for the purposes of irrigation in the valleys of the Big Horn and Little Big Horn Rivers and on Pryor Creek, and such other streams as the Secretary of the Interior may deem proper: *Provided*, That not exceeding \$50,000 shall be expended in this work annually, and that the superintendent in charge of said work shall, in the employment of laborers, give preference to such Crow Indians as are competent and willing to work at the average wages paid common laborers for the same kind of work, the labor so employed to be paid for in coin.

(2) The sum of \$75,000 is to be set apart as an irrigating fund, to be expended under the direction of the Secretary of the Interior for the maintenance and management of the system of irrigation provided for in the agreement.

(3) The sum of \$25,000, or so much thereof as may be necessary, is set apart to be expended under the direction of the Secretary of the Interior for the construction of three grist mills, to be located, one on Pryor Creek, one on the Big Horn, and one on the Little Big Horn Rivers, at such points as the Indian agent may deem convenient and practicable, and at such time as the needs of the Indians may require.

(4) The sum of \$20,000 is to be expended in the construction and maintenance of a sub-Indian depot to be located on Pryor Creek, if the Secretary of the Interior shall deem it advisable to establish such a depot; otherwise the amount shall at the expiration of 2 years be placed in the fund provided for in section 9.

(5) The sum of \$5,000, or so much thereof as may be necessary, is to be expended under the direction of the Secretary of the Interior in the building of school-houses at such points on the reservation and at such times as the Indians may require, upon recommendation of the Indian agent.

(6) The sum of \$10,000 is to be set aside as a fund to be expended under the direction of the Secretary of the Interior in repairing and improving the houses of the Indians now erected on the reservation, and to make them warm and comfortable dwellings.

(7) The sum of \$3,000, or so much thereof as may be necessary, is to be used for the construction and equipment of three blacksmith's shops, to be located at such places upon the reservation and to be built at such times as the Indian agent may recommend, subject to the approval of the Secretary of the Interior.

(8) The sum of \$552,000 is to be set aside as an annuity fund to be distributed as follows: Each Indian of the Crow tribe shall receive an annual annuity of \$12 in cash for the period of 20 years from the date of the agreement, to be paid semiannually, in accordance with such rules and regulations as the Secretary of the Interior may prescribe.

(9) The sum of \$46,000 is to be set apart and expended by the Indian agent, under the direction of the Secretary of the Interior, in the purchase of cattle from time to time as may be deemed advisable, the cattle so purchased to form a herd to be held in common for the Crow tribe.

(10) (Eleventh section of the agreement.) The \$5,000, or so much thereof as may be necessary, is to be set apart for making improvements for Indians who may surrender their allotments on the ceded lands within 3 years and select new allotments on the diminished reservation.

(11) (Fourteenth section of agreement.) The sum of \$5,000, or so much thereof as may be necessary, is set apart to pay the expenses of 12 Crow chiefs and 1 interpreter to visit the President of the United States, to consult with him for the benefit of the Crow tribe at such time as the President may determine, within 1 year from the date of the agreement.

The tenth section of the agreement provides that when each object for which a specific appropriation has been made shall have been fully carried out and completed, the balance remaining of such appropriation shall constitute a fund, to be expended for the benefit of the Crow tribe in such manner as the Secretary may determine.

By the eleventh section all lands upon the ceded portion of the reservation which, prior to the date of the agreement, have been allotted in severalty, are to be retained and enjoyed by the allottees: *Provided*, That such Indians shall have the right at any time within 3 years to surrender his allotment and select a new one within the re-

tained reservation, upon the same terms and conditions as were prescribed in select ing the first allotment. In case an Indian so surrendering his allotment shall have improvements thereon, he shall have like improvements made for him on the new allotments.

The twelfth section provides that the cession shall not be construed so as to deprive without his consent any individual Indian of his right to any tract of land selected by him in conformity with the treaty of May 7, 1868 (15 Stats., 649), or the agreement approved by the act of April 11, 1882 (22 Stats., 42), and all such lands are to be surveyed and certificates duly issued therefor, before such ceded portion of the reservation shall be opened to settlement.

The thirteenth section provides that the agreement shall not be binding on either party until ratified by Congress, "and when so ratified that said cession of lands so acquired by the United States shall not be opened for settlement until the boundary line as set forth and described in this agreement has been surveyed and definitely marked by suitable permanent monuments, erected every half mile wherever practicable along the entire length of said boundary line."

The fifteenth section provides that all existing provisions of the treaty of May 7, 1868, and the agreement ratified by act of April 11, 1882, shall continue in force.

The Commissioners estimate the quantity of land embraced in the cession at 1,800,000 acres, the price agreed to be paid being about 52½ cents per acre.

They state that to the best of their information the tract ceded contains a large area of good agricultural and grazing land, but that its chief value doubtless lies in its mineral wealth, it being reported to contain vast beds of coal and rich mines of gold, silver, lead, and copper; that the Crows still retain all the land they can possibly require; and that the addition of the ceded portion to the public domain upon the terms proposed will be to the mutual advantage of both parties to the contract.

The objects for which the purchase money is to be expended appear to be such as will best promote the education, prosperity, and welfare of the Crow Indians.

The Commissioners refer at length to the matter of irrigation. They say:

"Allotments of land in severalty have been made to the Indians along these streams. Houses have been built for them; wagons, farm implements, and seeds have been furnished by the Government. Competent white men are employed to instruct them in the business of farming, but the return has been practically nothing, because irrigation, the chief factor in making agriculture a profitable pursuit in that region, is not provided. If farming is to be made successful on the reserve a system of irrigation is the first thing required, and until that is provided the time, labor, and money expended to make the Crow Indian a farmer is mostly thrown away. \* \* \*

"The commission feel justified in presenting this question of irrigation somewhat at length by reason of its great importance to the future welfare and prosperity of the Crow tribe. With irrigation the land is capable of marvelous production; but without it the uncertainty of raising a crop makes the land comparatively worthless, except for grazing purposes. Plainly, then, if it is the object of the Government to make the Crows self-supporting, one of the first steps to be taken is to make the land allotted to them productive by means of a thorough system of irrigation."

I fully agree with the Commission in its estimate of the importance of a system of irrigation, and deem it a matter of congratulation that sufficient provision has been made in the agreement for such a system.

The act of September 25, 1890 (26 Stats., 468), under which the negotiations resulting in this agreement were authorized and conducted, directs the Secretary of the Interior to report the result of the negotiations to Congress, and provides that no agreement shall be valid until ratified by Congress.

This agreement having been concluded in pursuance of Congressional authority, should, I believe, be promptly ratified. Much dissatisfaction and uneasiness has frequently been caused among the Indian tribes by the failure to confirm agreements made with them. Having been solemnly promised benefits which they are led to believe will greatly increase their comfort, they are unable to understand the delay in carrying out the promises and become distrustful of the good faith of the Government. I trust the accompanying agreement may receive the favorable action of Congress at its present session, so that the things promised to be done for these Indians may be undertaken during the coming summer.

I have prepared the draft of a bill for the ratification of the agreement and providing for the necessary appropriations to carry the same into effect.

It is suggested, however, in view of the rapidly approaching close of the session, that the object can be more easily and certainly reached by incorporating its provisions in the Indian appropriation bill. This course has frequently been followed in other cases, notably in the Moses agreement and the agreements with the Creeks and Seminoles for the cession of Oklahoma.

I have therefore also prepared the draft of an item to be inserted in said bill, if the committees of Congress shall consider that course preferable, containing the essential provisions of the bill.

In addition to the sum of \$946,000 agreed to be paid for the lands, I have provided, both in the bill and in the item, for the cost of the survey of the boundary lines separating the ceded lands from the diminished reservation and of the lands selected under the treaty of 1868 and agreement ratified by Congress April 11, 1882, which surveys are required to be made before the ceded lands can be open to settlement.

So far as this office is advised there are 24 selections under the treaty of 1868 within the ceded lands.

It is estimated that the work can be done for \$7,500.

I inclose duplicate copies of the papers for transmission to Congress.

Very respectfully, your obedient servant,

T. J. MORGAN,  
*Commissioner.*

The SECRETARY OF THE INTERIOR.

When the cession of land now proposed shall have been made the Crow Reservation will still contain about 3,000,000 acres of good agricultural and grazing land, and a sufficient quantity of this land can be made available in the raising of agricultural crops through the irrigation system provided for in the treaty to place these Indians on a self-sustaining basis in a reasonable period of time.

Some years ago it appears that a surveyor by the name of Blake, authorized by the Government to fix the south boundary line of the Crow Indian Reservation, made a mistake in the initial point, and this mistake resulted in having monuments fixed upon his survey a considerable distance north of the proper south line of the reservation. Relying in good faith on the action of the surveyor, and believing that the monuments set in pursuance of the survey actually marked the south line of the reservation, numerous miners and farmers located mines and ranches immediately south of the monuments thus fixed by the Blake survey. Subsequently it was ascertained by a more accurate survey that Blake had made a mistake, and that the proper line of the reservation was in reality a considerable distance south of the line designated by the monuments he had established. Before this correction was made, however, these settlers had established their homes and many miners had located claims and had performed a considerable amount of work upon them. When the line was corrected all operations on the mines were stopped, but it is believed that the farmers have continued in possession of their homes thus located.

The fourth section of the bill is intended to protect these miners and settlers from being deprived of the results of their labor by allowing them 30 days after the land is thrown open to settlement within which to properly locate and file upon the land or mining claims upon which they have settled or expended money. In order that the section may include farmers as well as miners the committee suggests the following amendments:

Strike out the word "mining" at the beginning of line 8, section 4, page 24; also strike out the word "thereof," in line 11 of said section 4, and insert in lieu thereof the following: "of said reservation." After the word "location," in line 12, said section 4, insert the words, "and settlement." After the word "to," line 13, said section 4, insert the following: "file on or," and strike out the word "mining," in said line 13, section 4.

Thus amended the committee recommends that the bill do pass.